

REMARKS

Applicants amended claims 1, 4, 7, 16, 23, 36, 38 and 40, cancelled claims 2, 8, 26 and 29, and added new claims 50-53. Applicants present claims 1, 3, 4, 6, 7, 9-17 and 20-25, 27, 28, and 30-53 for examination. No new matter is added by this amendment.

The Examiner rejected independent claim 1 and its dependent claims 3, 21 and 28 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen. Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references. Nonetheless, Applicants amended claim 1 to include limitations from previously pending claim 2 (which the Examiner did not reject on this basis), and cancelled claim 2. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 4 and its dependent claims 6, 30, 31 and 42 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen. Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references. Nonetheless, Applicants amended claim 4 to include limitations from previously pending claim 29 (which the Examiner did not reject on this basis), and cancelled claim 29. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 7 and its dependent claims 9, 10, 12-15, 32 and 43 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen. Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references. Nonetheless, Applicants amended claim 4 to include limitations from previously pending claim 29 (which the Examiner did not reject on this basis), and cancelled claim 29. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 23 and its dependent claims 24-27, 33-35 and 46 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen.¹ As amended, these claims require a polymeric, flexible substrate having a structured surface. Neither Mizuno nor Shaheen, alone or in combination, discloses or suggests such a substrate, and it would not have been obvious (or perhaps even possible) to combine these references to provide such a substrate. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 36 and its dependent claims 37 and 47 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen.² As amended, these claims require a flexible substrate having surface with a periodic structure. Neither Mizuno nor Shaheen, alone or in combination, discloses or suggests such a substrate, and it would not have been obvious (or perhaps even possible) to combine these references to provide such a substrate. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 38 and its dependent claims 39 and 48 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen.³ As amended, these claims require a flexible substrate having a structured surface. Neither Mizuno nor Shaheen, alone or in combination, discloses or suggests such a substrate, and it would not have been obvious (or perhaps even possible) to combine these references to provide such a substrate. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 40 and its dependent claims 41 and 49 under 35 U.S.C. §103(a) as being unpatentable over Mizuno in view of Shaheen.⁴ As amended, these claims require a flexible substrate having a surface with a periodic structure. Neither Mizuno nor Shaheen, alone or in combination, discloses or suggests such a substrate, and it would not have

¹ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

² Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

³ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

⁴ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

been obvious (or perhaps even possible) to combine these references to provide such a substrate. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 16, 17, 20 and 44 under 35 U.S.C. §103(a) as being unpatentable over Shinohara in view of Shaheen.⁵ As amended, these claims require a flexible, structured substrate. Neither Shinohara nor Shaheen, alone or in combination, discloses or suggests such a substrate, and it would not have been obvious (or perhaps even possible) to combine these references to provide such a substrate. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 1 and its dependent claim 2 under 35 U.S.C. §103(a) as being unpatentable over Kambe in view of Bloch, alone or further in view of Nakamura.⁶ Applicants cancelled claim 2, so the rejection of this claim should be withdrawn. Further, as amended, claim 1 requires a substrate that is a structured, flexible sheet. None of Kambe, Bloch or Nakamura disclose such a substrate, and it would not have been obvious to combine these references to provide such a substrate. For example, while Bloch discloses a textured active layer of semiconductor material (*see, e.g.*, Bloch, col. 2, lines 5-8), he does not disclose a substrate that is a structured, flexible sheet. Nor would it have been obvious to modify Bloch to provide such a substrate. Neither Kambe nor Nakamura, alone or in combination, cure this deficiency. Thus, even if Kambe, Bloch and Nakamura were combined in the manner indicated by the Examiner, the result would not be the subject matter covered by claim 1, as presented. Further, none of these references teaches how to make a substrate that is a structured, flexible sheet. The Examiner is reminded that, as explained by the United States Court of Appeals for the Federal Circuit, “[t]o render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus or method.” *Beckman Instruments, Inc. v. LKB Produkter AB*, 892 F2d 1547, 1551 (Fed. Cir. 1989). Applicants therefore request reconsideration and withdrawal of this rejection.

⁵ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

⁶ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

The Examiner rejected independent claim 4 and its dependent claim 29 under 35 U.S.C. §103(a) as being unpatentable over Kambe in view of Bloch, alone or further in view of Nakamura.⁷ Applicants cancelled claim 29, so the rejection of this claim should be withdrawn. Moreover, as amended, claim 4 requires a substrate that is a flexible sheet having a structured surface. None of Kambe, Bloch or Nakamura disclose such a substrate, and it would not have been obvious to combine these references to provide such a substrate for reasons to those noted in the preceding paragraph. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected independent claim 7 and its dependent claims 8 and 11 under 35 U.S.C. §103(a) as being unpatentable over Kambe in view of Bloch, alone or further in view of Nakamura.⁸ Applicants cancelled claim 11, so the rejection of this claim should be withdrawn. Moreover, as amended, claims 7 and 11 require a flexible substrate having a structured surface. None of Kambe, Bloch or Nakamura disclose such a substrate, and it would not have been obvious to combine these references to provide such a substrate for reasons similar to those noted two paragraphs above. Applicants therefore request reconsideration and withdrawal of this rejection.

Please apply any other charges or credits to deposit account 06-1050.

⁷ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

⁸ Applicants do not concede that the Examiner accurately characterized the subject matter covered by these claims or the subject matter disclosed in these references.

Applicant : Christoph Brabec et al.
Serial No. : 10/525,058
Filed : September 6, 2005
Page : 14 of 14

Attorney's Docket No.: 15626-0048US1 / SA-16 US

Respectfully submitted,

Date: July 8, 2009

/Sean P. Daley/
Sean P. Daley
Reg. No. 40,978

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22171342.doc